

ORIGINAL

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION
2008 MAR 18 PM 3:53
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LONZETTA SMITH ALLEN,

Plaintiff,

v.

TARRANT COUNTY COLLEGE
DISTRICT

Defendant

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~~No. 4-04 CV 209-Y~~
"ECF"

4-08 CV - 18.2 - Y

**PLAINTIFF'S COMPLAINT
AND JURY TRIAL DEMAND**

Plaintiff Lonzetta Smith-Allen (Allen) files her complaint against defendant Tarrant County College District (Defendant), and for her cause of action alleges:

PARTIES, JURISDICTION AND VENUE

1. Allen is an individual, an African American female and a resident of Tarrant County, Texas.
2. Defendant is an independent college district organized under the laws of the State of Texas.
3. Jurisdiction is based on 42 U.S.C. 2000e-5(f) (3).
4. Venue is proper in this judicial district because the occurrences giving rise to the claim for relief asserted occurred in this judicial district and Allen filed her charge of discrimination under Title VII, 42 U.S.C. §2000e in this judicial district.

FACTS

5. Allen was employed by Defendant as the Director of the Counseling Department in Student Development Services on Defendant's South Campus which is located at 5301 Campus Drive, Fort Worth, Texas 76119.

6. During almost sixteen (16) years of service, Allen performed her job duties in an excellent manner as evidenced by her employment evaluations. In fact, Allen had served as dean of student services at the time when that position was vacant and did so with less than full staff and successfully.

7. In 2004, Allen sought and received permission to fill vacant counselor positions. The position was advertised and a selection committee comprised of a diverse group of defendant's employees was selected.

8. The selection committee submitted several names to Allen as director to interview for the counseling position.

9. Allen interviewed the candidates and expressed her view that Leonard Hornsby, an academic advisor in the department and another African American female were clearly better qualified than two of the other persons referred to her to interview.

10. Defendant advised Allen that she needed to hire a Hispanic and not an African American to the counseling position and that she should re-advertise the position to accomplish this. Allen re-advertised the position.

11. The position was re-advertised and again a selection committee comprised of a diverse group of defendant's employees was selected.

12. Again, the selection committee submitted several names to Allen as director to interview for the counseling position.

13. Allen interviewed the candidates and again concluded that Hornsby was best qualified for the position of those persons referred to her to interview.

14. Again, after Allen expressed her view that Hornsby was the best qualified candidate, the defendant declined to fill the position and again decided to re-advertise the position.

15. Allen objected to what she perceived as illegal discrimination against Hornsby.

16. After Allen expressed her concern that the defendant's employees had illegally discriminated against Hornsby, her supervisor began to unjustifiably and unfairly criticize her work.

17. Prior to this time, Allen's formerly very good relationship with Ernest Thomas, president of the defendant's South Campus, had deteriorated for unrelated personal reasons.

18. Allen voiced her concerns about the deteriorating relationship to the Chancellor and the Vice-Chancellor. No help, however, was forthcoming from either of them.

19. Despite the prior lack of resolution with Thomas, Allen determined to speak to Thomas in an effort to resolve the issue resulting in maltreatment by her supervisor.

20. Allen met with Thomas in November or December 2006, to discuss these issues. However, because Thomas attempted to embrace and kiss her, Allen left meeting with Thomas without any resolution to the situation with her supervisor.

21. In January 2007, Allen met with Erma Johnson Hadley who informed her that she had been terminated and that she needed to sign a release if she wanted to be paid the balance due on her contract.

22. Allen declined to sign a release and after retaining counsel to demand payment under her contract, defendant paid the balance of her contract.

23. Allen filed a dual charge of discrimination with the Equal Employment Opportunity Commission and the Texas Commission on Human Rights Act complaining of this discharge.

24. After Allen filed her charge of discrimination, she was notified that she had officially been recommended for nonrenewal and her contract was thereafter officially nonrenewed.

25. The above described acts by defendant were in violation of Title VII of the 1991 Civil Rights Act's prohibition on race and sex discrimination as well as in violation of the Age Discrimination in Employment Act's (ADEA) prohibition on age discrimination and prohibition in both statutes prescribing retaliation for engaging in protected activity which Allen did by opposing discriminatory practices against Hornsby and herself and filing a charge discrimination.

26. Allen has suffered pecuniary losses consisting of back and front wages as well as mental anguish.

27. Allen has incurred attorney's fees to vindicate her rights under the Title VII and seeks reasonable and necessary attorney fees as permitted by statute.

28. Allen also seeks pre-judgment and post-judgment interest allowed by law.

JURY TRIAL DEMAND

29. Allen demands a jury trial of the claims raised in this complaint.

PRAYER FOR RELIEF

WHEREFORE, Allen prays for the following relief:

- i. Judgment against defendant for actual damages attributable to lost wages in the past, lost wages in the future, loss of retirement, medical and other benefits in the past and future, mental anguish, concern, worry and inconvenience in the past and future, and consequential damages.
- ii. Exemplary damages against the defendant in a sum determined by the trier of fact.
- iii. Prejudgment interest as provided by law.
- iv. Post-judgment interest as provided by law.
- v. Costs of suit, including a reasonable attorney's fee.
- vi. Such other and further relief to which plaintiff may be justly entitled.

Respectfully submitted,



N. Sue Allen
State Bar No. 00791992
307 West 7th Street, Suite 1800
Fort Worth, Texas 76102
(817) 926-5005
(817) 926-5165 (facsimile)

Attorney for Lonzetta Smith Allen

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Lonzetta Smith Allen

(b) County of Residence of First Listed Plaintiff TARRANT

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

N. Sue Allen, 307 West 7th Street, Ste 1800, Fort Worth, TX (817) 926-5005

DEFENDANTSCounty of Residence of First Listed Defendant TARRANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Angela Robinson **4-08 CV - 182-Y****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 2000e

Brief description of cause:

Discharge based on discrimination in employment

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) PENDING OR CLOSED**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

03/18/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____